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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 AARON LEE TURPENING,

9 Petitioner,

2:16-cv-02947-JCM-PAL

10 vs.

ORDER

11 TIMOTHY FILSON, *et al.*,

12 Respondents.
13 _____/

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15 This action is a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, by
16 Aaron Lee Turpening, a Nevada prisoner. Turpening initiated this action on December 19, 2016, by
17 filing an application to proceed *in forma pauperis* (ECF No. 1), along with his habeas corpus petition
18 (attached to application to proceed *in forma pauperis*).

19 The financial information provided with Turpening's application to proceed *in forma*
20 *pauperis* indicates that he is unable to pay the filing fee for this action. Therefore, the *in forma*
21 *pauperis* application will be granted, and Turpening will not be required to pay the filing fee.

22 The court has reviewed Turpening's petition, pursuant to Rule 4 of the Rules Governing
23 Section 2254 Cases in the United States District Courts.

24 Turpening's habeas petition includes six separate grounds for relief. The court determines
25 that Grounds 1 and 2 set forth claims worthy of response by the respondents. On the other hand,
26 Grounds 3 through 6 – each claiming that Turpening's counsel was ineffective for failing to

1 challenge the validity of the Nevada Revised Statutes – are patently frivolous. It is plain that
2 Turpening is not entitled to federal habeas corpus relief on Grounds 3 through 6. Grounds 3 through
3 6 of Turpening’s petition will be summarily dismissed.

4 **IT IS THEREFORE ORDERED** that petitioner’s Application to Proceed *In Forma*
5 *Pauperis* (ECF No. 1) is **GRANTED**. Petitioner is granted leave to proceed *in forma pauperis*.
6 Petitioner will not be required to pay the filing fee for this action.

7 **IT IS FURTHER ORDERED** that the Clerk of the Court shall separately file the petition
8 for writ of habeas corpus, which is attached to the *in forma pauperis* application at ECF No. 1.

9 **IT IS FURTHER ORDERED** that Grounds 3, 4, 5, and 6 of the petition for writ of habeas
10 corpus are **DISMISSED**.

11 **IT IS FURTHER ORDERED** that the clerk of the court shall add Adam Paul Laxalt,
12 Attorney General of the State of Nevada, as counsel for respondents.

13 **IT IS FURTHER ORDERED** that the clerk of the court shall electronically serve upon
14 respondents a copy of the petition for writ of habeas corpus, and a copy of this order.

15 **IT IS FURTHER ORDERED** that respondents shall have 60 days from the date on which
16 the petition is served upon them to appear in this action, and to answer or otherwise respond to the
17 petition.

18 **IT IS FURTHER ORDERED** that if respondents file an answer, petitioner shall have 60
19 days from the date on which the answer is served on him to file and serve a reply. If respondents file
20 a motion to dismiss, petitioner shall have 60 days from the date on which the motion is served on
21 him to file and serve a response to the motion to dismiss, and respondents shall, thereafter, have 30
22 days to file a reply in support of the motion.

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24 Dated January 12, 2017.

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26 
UNITED STATES DISTRICT JUDGE